IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

and

THE HON'BLE MR JUSTICE GODA RAGHURAM

-

WRIT APPEAL NO : 1088 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 06/07/2004 in WP NO: 10846 OF 2004 on the file of the High Court.)

Between:

Trinatha Majhi, S/o. Late Biswamber Mahji,
I.D. Depot, Vamsadhara project Circle, Srikakulam District.

..... APPELLANT

AND

1 The Government of Andhra Pradesh, Social Welfare Department, Secretariat, Hyderabad, Rep. by its Principal Secretary.
2 The District Collector, Srikakulam, Srikakulam District.
3 Superintending Engineer, I.D., Vamsadhara Project Circle, Srikakulam.
4 The Revenue Divisional Officer, Tekkali, Srikakulam District.
5 The Mandal Revenue Officer, Kaveti Mandal, Kaveti, Srikakulam District.

.....RESPONDENTS

Counsel for the Appellant: MR.B.SUDHAKAR REDDY & NEERAJA REDDY

Counsel for the Respondent Nos.1 to 5: GP FOR SOCIAL WELFARE

The Court at the admission stage made the following :

THE HON'BLE SRI JUSTICE J. CHELAMESWAR

AND

THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT APPEAL NO.1088 OF 2004

JUDGMENT: (Per Hon'ble Sri Justice Goda Raghuram)

The appellant submitted a caste certificate certifying him as belonging to "Bentho Oriya" Scheduled Tribe and obtained employment in the Irrigation Department. An enquiry into the caste certificate produced by him was held under the A.P.(SC/ST/BCs) issue of Community, Nativity and Date of Birth certificate Rules, 1977. By an order of the District Collector-2nd respondent dated 08-10-2002, the Scheduled Tribe Certificate obtained by the petitioner was cancelled on a conclusion that he did not belong to the " Bentho Oriya" caste. Aggrieved, the petitioner preferred an appeal to the State Government. The appeal was rejected in G.O.Ms.No.49 dated 01-06-2004. Aggrieved thereby, he filed Writ Petition No. 10846 of 2004 and sought interim suspension of the primary and the appellate orders. A learned Single Judge of this Court concluded that as there are concurrent findings by the primary and appellate authorities in support of the fact that the petitioner does not belongs to the Scheduled Tribe, no case was made out for interdiction of the primary and appellate orders and accordingly rejected the application for interim relief.

Considerations of *prima facie* case and balance of convenience do not warrant any interim relief to the petitioner. We see no error in the order under appeal.

Accordingly, the Writ Appeal is dismissed at the stage of admission. No costs.

J. CHELAMESWAR, J.

GODA RAGHURAM, J.

19th July, 2004

bud/mrk

To

1 The Government of Andhra Pradesh, Social Welfare Department, Secretariat, Hyderabad, Rep. by its Principal Secretary.
2 The District Collector, Srikakulam, Srikakulam District.
3 Superintending Engineer, I.D., Vamsadhara Project Circle, Srikakulam.
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